

AMENDED IN ASSEMBLY MAY 23, 2008

AMENDED IN ASSEMBLY APRIL 22, 2008

AMENDED IN ASSEMBLY APRIL 10, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## ASSEMBLY BILL

**No. 2158**

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**Introduced by Assembly Member Soto**

February 20, 2008

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An act to add ~~Section 22878.3 to Part 9 (commencing with Section 22980) to Division 5 of Title 2 of the Government Code~~, relating to state employees' health benefits.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2158, as amended, Soto. State employees' health benefits: blood-borne ~~or airborne~~ diseases.

~~Existing law establishes the contribution rate for the state and for state employees and annuitants for the purpose of providing health benefits to state employees and annuitants.~~

*Existing law provides various health benefits for state employees and annuitants. Existing law holds the state liable for payment of workers' compensation, including medical treatment, for injuries incurred by state employees that arise out of or in the course of employment.*

This bill would provide that if a state employee or an annuitant who retired from state employment and sustained an injury as the result of a work-related event that arose out of and in the course of his or her official duties as a state employee, *before January 1, 1984*, and that meets a specified definition of a blood-borne ~~or airborne~~ infectious disease, and a dependent, as defined, or former dependent, *as defined*, of that person contracts the blood-borne disease from that person, the

dependent or former dependent may receive health care benefits sufficient to cover all medically necessary health care costs associated with the disease, for the duration of the disease. The bill would require the state to contribute the cost of providing that benefit coverage from the General Fund, upon appropriation by the Legislature. The bill would also provide that a person who elects to receive these benefits would be prohibited from bringing a civil action against the state for damages related to contracting the disease. *The bill would require the Board of Directors of the State Compensation Insurance Fund to administer this benefit.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 22878.3 is added to the Government~~  
2     ~~Code, to read:~~  
3     ~~22878.3.—~~  
4     *SECTION 1. Part 9 (commencing with Section 22980) is added*  
5     *to Division 5 of Title 2 of the Government Code, to read:*  
6  
7     *PART 9. HEALTH BENEFITS FOR DEPENDENTS OF STATE*  
8                             *EMPLOYEES*  
9  
10    22980. (a) If a state employee or an annuitant who retired from  
11    state employment and sustained an injury as the result of a  
12    work-related event that arose out of and in the course of his or her  
13    official duties as a state employee, *before January 1, 1984*, and  
14    that meets the definition of a blood-borne-~~or airborne~~ infectious  
15    disease contained in Section 3212.8 of the Labor Code, and a  
16    dependent or former dependent of that person contracts the  
17    blood-borne infectious disease from that employee or annuitant,  
18    the dependent or former dependent may elect to receive health  
19    care benefits sufficient to cover all medically necessary health care  
20    costs associated with the disease, for the duration of the disease.  
21    The state shall contribute the cost of providing that benefit coverage  
22    from the General Fund, upon appropriation by the Legislature.  
23    (b) If the dependent or former dependent elects to receive  
24    benefits pursuant to this section that do not already exist, his or  
25    her election shall constitute the sole and exclusive remedy of the

1 dependent or former dependent against the employer of the  
2 employee or former employer of the annuitant and the dependent  
3 or former dependent may not bring a civil action against the state.

4 (c) For purposes of this section, “former dependent” means a  
5 person who was diagnosed with a blood-borne~~—or—airborne~~  
6 infectious disease, *before January 1, 1984*, which was contracted  
7 from a person covered under Section 3212.8 of the Labor Code  
8 while a dependent of that person, but the dependency relationship  
9 has terminated.

10 (d) For purposes of this section, “dependent” has the meaning  
11 provided by Section 17056 of the Revenue and ~~Tax~~ *Taxation* Code.

12 (e) It is the intent of the Legislature that this section apply  
13 retroactively.

14 (f) *The Board of Directors of the State Compensation Insurance*  
15 *Fund shall administer this benefit.*